

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 20, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2387

Introduced by Assembly Member Pan

February 21, 2014

An act to amend Section 19132 of the Government Code, and to amend Section ~~13503~~ 10340 of the ~~Penal~~ *Public Contract* Code, relating to ~~peace officers~~; *public contracts*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2387, as amended, Pan. ~~Commission on Peace Officer Standards and Training~~; ~~contracting~~; ~~authority~~. *Public contracts*.

(1) ~~Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and sets forth its powers and duties, which include, among other things, the power to contract with other agencies or persons for services, facilities, studies, and reports as will best assist the commission in carrying out its duties and responsibilities.~~

~~This bill would require the commission, in exercising that contracting authority, to determine if services to be contracted for cannot be satisfactorily provided by the state civil service system because the services are highly specialized, the services cannot be performed by a civil service employee, or the services required are urgent or essential and delaying the performance of these services would frustrate the need for the services or resulting studies or reports.~~

(2)

(1) Existing law, the State Civil Service Act, permits the use of personal services contracts in order to achieve cost savings and in certain other circumstances, including when the services contracted are not available within civil service. Existing law requires a state agency proposing to execute a personal services contract in those certain other circumstances to notify all organizations that represent state employees who perform the type of work to be contracted, except as specified.

This bill would exempt personal services contracts entered into by ~~the commission~~ *Commission on Peace Officer Standards and Training* pursuant to its contracting authority, *as specified*, from that notification requirement.

(2) *Under existing law, state agencies are generally required to obtain at least 3 competitive bids for each contract. This requirement does not apply under certain circumstances, including, among others, when the contract is necessary for the immediate preservation of the public health, welfare, or safety, or protection of state property.*

This bill would add to these exceptions contracts entered into by the Commission on Peace Officer Standards and Training or the Office of Emergency Services when those contracts are solely for the services of instructors for public safety training.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19132 of the Government Code is
2 amended to read:
3 19132. (a) The State Personnel Board, at the request of an
4 employee organization that represents state employees, shall review
5 the adequacy of any proposed or executed contract that is of a type
6 enumerated in subdivision (b) of Section 19130. The review shall
7 be conducted in accordance with subdivision (c) of Section 10337
8 of the Public Contract Code. However, a contract that was reviewed
9 at the request of an employee organization when it was proposed
10 need not be reviewed again after its execution.
11 (b) (1) Unless a personal services contract pursuant to
12 subdivision (b) of Section 19130 is necessary due to a sudden and
13 unexpected occurrence that poses a clear and imminent danger,
14 requiring immediate action to prevent or mitigate the loss or
15 impairment of life, health, property, or essential public services,

1 the contract shall not be executed until the state agency proposing
2 to execute the contract has notified all organizations that represent
3 state employees who perform the type of work to be contracted.

4 (2) At a minimum, the notice shall include a full copy of the
5 proposed contract. The notifying agency may redact specific
6 confidential or proprietary information from the notice.

7 (3) The Department of General Services shall establish a process
8 to certify the notification in paragraph (1).

9 (4) The notification and certification of notice requirements of
10 this subdivision do not change the requirements for contracts under
11 Section 11045 or require an additional notification.

12 (5) This subdivision does not apply to contracts executed by
13 the Commission on Peace Officer Standards and Training pursuant
14 to subdivision (c) of Section 13503 of the Penal Code and this
15 article.

16 ~~SEC. 2. Section 13503 of the Penal Code is amended to read:~~

17 ~~13503. In carrying out its duties and responsibilities, the~~
18 ~~commission shall have all of the following powers:~~

19 ~~(a) To meet at those times and places as it may deem proper.~~

20 ~~(b) To employ an executive secretary and, pursuant to civil~~
21 ~~service, those clerical and technical assistants as may be necessary.~~

22 ~~(c) To contract with other agencies, public or private, or persons~~
23 ~~as it deems necessary, for the rendition and affording of those~~
24 ~~services, facilities, studies, and reports to the commission as will~~
25 ~~best assist it to carry out its duties and responsibilities. In~~
26 ~~contracting pursuant to this subdivision, the commission shall~~
27 ~~determine if services to be contracted for cannot be satisfactorily~~
28 ~~provided by the state civil service system because the services are~~
29 ~~highly specialized, the services cannot be performed by a civil~~
30 ~~service employee, or the services required are urgent or essential~~
31 ~~and delaying the performance of these services would frustrate the~~
32 ~~need for the services or resulting studies or reports, as described~~
33 ~~in Section 19130 of the Government Code.~~

34 ~~(d) To cooperate with and to secure the cooperation of county,~~
35 ~~city, city and county, and other local law enforcement agencies in~~
36 ~~investigating any matter within the scope of its duties and~~
37 ~~responsibilities, and in performing its other functions.~~

38 ~~(e) To develop and implement programs to increase the~~
39 ~~effectiveness of law enforcement and when those programs involve~~
40 ~~training and education courses to cooperate with and secure the~~

1 ~~cooperation of state-level officers, agencies, and bodies having~~
2 ~~jurisdiction over systems of public higher education in continuing~~
3 ~~the development of college-level training and education programs.~~

4 ~~(f) To cooperate with and secure the cooperation of every~~
5 ~~department, agency, or instrumentality in the state government.~~

6 ~~(g) To do any and all things necessary or convenient to enable~~
7 ~~it fully and adequately to perform its duties and to exercise the~~
8 ~~power granted to it.~~

9 ~~(h) The commission shall not have the authority to adopt or~~
10 ~~carry out a regulation that authorizes the withdrawal or revocation~~
11 ~~of a certificate previously issued to a peace officer pursuant to this~~
12 ~~chapter.~~

13 ~~(i) Except as specifically provided by law, the commission shall~~
14 ~~not have the authority to cancel a certificate previously issued to~~
15 ~~a peace officer pursuant to this chapter.~~

16 *SEC. 2. Section 10340 of the Public Contract Code is amended*
17 *to read:*

18 10340. (a) Except as provided by subdivision (b), state
19 agencies shall secure at least three competitive bids or proposals
20 for each contract.

21 (b) Three competitive bids or proposals are not required in any
22 of the following cases:

23 (1) In cases of emergency where a contract is necessary for the
24 immediate preservation of the public health, welfare, or safety, or
25 protection of state property.

26 (2) When the agency awarding the contract has advertised the
27 contract in the California State Contracts Register and has solicited
28 all potential contractors known to the agency, but has received less
29 than three bids or proposals.

30 (3) The contract is with another state agency, a local
31 governmental entity, an auxiliary organization of the California
32 State University, an auxiliary organization of a California
33 community college, a foundation organized to support the Board
34 of Governors of the California Community Colleges, or an auxiliary
35 organization of the Student Aid Commission established pursuant
36 to Section 69522 of the Education Code. These contracts, however,
37 may not be used to circumvent the competitive bidding
38 requirements of this article.

39 (4) The contract meets the conditions prescribed by the
40 department pursuant to subdivision (a) of Section 10348.

1 (5) The contract has been awarded without advertising and
2 calling for bids pursuant to Section 19404 of the Welfare and
3 Institutions Code.

4 (6) Contracts entered into pursuant to Section 14838.5 of the
5 Government Code.

6 (7) Contracts for the development, maintenance, administration,
7 or use of licensing or proficiency testing examinations.

8 (8) The contract is for services for the operation, maintenance,
9 repair, or replacement of specialized equipment at facilities of the
10 State Water Resources Development System, as defined in Section
11 12931 of the Water Code, and meets the conditions established by
12 the Department of Water Resources for those contracts.

13 (9) The contract meets the conditions prescribed by the
14 Department of Water Resources for contracts subject to Section
15 10295.6.

16 (10) *Contracts entered into by the Commission on Peace Officer*
17 *Standards and Training or the Office of Emergency Services solely*
18 *for the services of instructors for public safety training. For the*
19 *purpose of this paragraph, "public safety training" includes, but*
20 *is not limited to, training related to law enforcement, emergency*
21 *medical response, emergency volunteers, and fire responders.*

22 (c) Any agency which has received less than three bids or
23 proposals on a contract shall document, in a manner prescribed by
24 the department, the names and addresses of the firms or individuals
25 it solicited for bids or proposals.